

THE JIMMERSON LAW FIRM, P.C.
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7 **UNITED STATES BANKRUPTCY COURT**

8 **DISTRICT OF NEVADA**

9 In re
10 CASH CLOUD, INC.,
11 dba COIN CLOUD,
12 Debtor.

Bankruptcy Case No. Case No. 23-10423
Chapter 11

Adv. Case No. 23-01015-MKN

13 **PLAINTIFF'S NOTICE OF CASE STATUS
IN ADVANCE OF STATUS CHECK**

14 Hearing Date: 12/13/2023

15 Hearing Time: 9:30 a.m.

16 CASH CLOUD, INC., dba COIN CLOUD,
17 Plaintiff,
18 v.
19 Lux Vending, LLC d/b/a Bitcoin Depot,
20
21 Defendant.

22 Cash Cloud, Inc. dba Coin Cloud (“Cash Cloud,” “Plaintiff,” or “Debtor”), debtor and
23 debtor-in-possession in the above-captioned Chapter 11 case (the “Chapter 11 Case”) and
24 Plaintiff in the above-captioned Adversary Proceeding, by and through its undersigned counsel,

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1 The Jimmerson Law Firm, P.C., hereby files this *Plaintiff's Notice of Case Status in Advance of*
2 *Status Check.*

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4 Dated this 6th day of December, 2023.

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6 THE JIMMERSON LAW FIRM, P.C.
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/s/ *James M. Jimmerson, Esq.*
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STATUS REPORT

On March 10, 2023, Cash Cloud, Inc. d/b/a Coin Cloud (“Cash Cloud,” “Plaintiff,” or “Debtor”), debtor and debtor-in-possession in the above-captioned Chapter 11 case (the “Chapter 11 Case”), filed its adversary proceeding Complaint against Defendant Lux Vending, LLC dba Bitcoin Depot’s (“Bitcoin Depot” or “Defendant”). In its Complaint, Cash Cloud brought the following Claims for Relief:

- 1) Temporary Restraining Order and Preliminary Injunctive Relief;
- 2) Violation of Automatic Stay, 11 U.S.C. § 362;
- 3) Violation of Lanham Act, 15 U.S.C. § 1125;
- 4) Consumer Fraud/Deceptive Trade Practices;
- 5) Tortious Interference with Contract – Host Agreements;
- 6) Tortious Interference with Contract – 2020 Purchase Agreement;
- 7) Intentional Interference with Prospective Business Relations;
- 8) Injurious Falsehoods; and
- 9) Defamation.

On May 5, 2023, the Parties jointly submitted a *Stipulated Discovery Plan and Scheduling Order* (the “Discovery Plan”), which has not been entered by this Court. In the Discovery Plan, the following dates were agreed to by the parties:

1. Close of fact discovery:	January 19, 2024
2. Close of expert/all discovery:	April 19, 2024
3. Final date to file motions to amend pleadings or add parties (without a further court order):	January 19, 2024
4. Final dates for expert disclosures:	
(a) Initial disclosure:	February 16, 2024
(b) Rebuttal disclosures:	March 19, 2024
5. Final date to file dispositive motions:	May 17, 2024
6. Joint Pretrial Order:	June 17, 2024

Discovery Plan at 5:25-6:9. However, in addition to the discovery deadlines listed above, the Parties had agreed to stay discovery until there was an operative complaint:

1 Additionally, the parties stipulate and agree that discovery will not commence
2 until there is an operative complaint. The parties further stipulate and agree that
3 discovery may be served prior to an operative complaint, but written responses to
4 any discovery served prior to an operative complaint will not be due until either
the time provided under the Federal Rules of Civil Procedure or 14 days following
an operative complaint, whichever is longer.

5 *Id.* at 3:17-22 & 4:5-10.

6 On November 17, 2023, this Court entered an *Order on Defendant Lux Vending, LLC*
7 *d/b/a Bitcoin Depot's Motion to Dismiss Plaintiff's Complaint* (the "MTD Order"). In the MTD
8 Order, the Court granted in part and denied in part Defendant Bitcoin Depot's motion to dismiss,
9 dismissing without prejudice Plaintiff's First and Second Claims for Relief and denying the
10 remainder of the motion to dismiss. The MTD Order further ordered "Defendant's response to
the Adversary Complaint is due no later than 14 days after entry of this Order." *Id.* at 8:26-27.

11 On

12 That same day, on November 17, 2023, Plaintiff Cash Cloud served Defendant with:

13 1) Plaintiff Cash Cloud Inc. dba Coin Cloud's First Set of Interrogatories to
14 Defendant Lux Vending, LLC dba Bitcoin Depot;

15 2) Plaintiff Cash Cloud Inc. dba Coin Cloud's First Set of Requests for Admission
16 to Defendant Lux Vending, LLC dba Bitcoin Depot; and

17 3) Plaintiff Cash Cloud Inc. dba Coin Cloud's First Set of Requests for Production
18 of Documents to Defendant Lux Vending, LLC dba Bitcoin Depot.

19 On December 1, 2023, Defendant Bitcoin Depot filed its *Answer and Affirmative*
20 *Defenses.*

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1 At the December 13, 2023 Status Check, Plaintiff anticipates that the Parties will apprise
2 the Court of the Parties' next steps and provide a revised Discovery Plan in light of the stipulated
3 discovery stay in place until the Court's MTD Order.

4

5 Dated this 6th day of December, 2023.

6 THE JIMMERSON LAW FIRM, P.C.

7 */s/ James M. Jimmerson, Esq.*
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15 *Attorneys for Plaintiff Cash Cloud Inc.*

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that I am an employee of The Jimmerson Law Firm, P.C., and that on
3 December 6, 2023, I caused a copy of the foregoing **PLAINTIFF'S NOTICE OF CASE**
4 **STATUS IN ADVANCE OF STATUS CHECK** to be served by transmitting a copy of the
same via the CM/ECF system pursuant to LR IC 4-1 to those parties participating in the court's
electronic filing system.

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6 */s/ Andrew Pastor*
7 An employee of The Jimmerson Law Firm, P.C.

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